

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY GOODEN,

Plaintiff,

v.

TRACY JOHNSON,

Defendant.

No. 2:24-cv-00023-DC-SCR (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 12)

Plaintiff Anthony Gooden is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 2, 2024, Plaintiff filed a complaint against Defendant Warden Tracy Johnson alleging that Defendant Johnson's failure to refer him for recall and resentencing under California Penal Code section 1172.1 violated his due process rights under the Fourteenth Amendment. (Doc. No. 1.) On February 21, 2025, the magistrate judge issued findings and recommendations recommending that Plaintiff's complaint be dismissed without leave to amend for failure to state a claim.¹ (Doc. No. 12.) Specifically, the magistrate found Plaintiff's complaint did not state a

¹ On pages three and five of the findings and recommendations, Defendant Johnson is referred to as "Defendant Thompson." (Doc. 12 at 3, 6.) The court finds this was a typographical error and does not affect the analysis provided in the findings and recommendations.

1 valid due process claim because the recall and resentencing process outlined in California Penal
2 Code section 1172.1 does not confer a constitutionally protected liberty interest that can be
3 redressed through 42 U.S.C. § 1983. (*Id.* at 4–5.) The pending findings and recommendations
4 were served on Plaintiff and contained notice that any objections thereto were to be filed within
5 twenty-one days after service. (*Id.* at 6.)

6 On March 10, 2025, Plaintiff filed objections to the pending findings and
7 recommendations. (Doc. No. 13.) In his objections, Plaintiff continues to contend his due process
8 rights were violated by Defendant Johnson’s failure to refer him for recall and resentencing. (*Id.*)
9 Defendant also requests leave to amend. (*Id.*) Plaintiff’s contention is unavailing and he has not
10 provided a sufficient basis to support his request for leave to amend as explained in the magistrate
11 judge’s findings and recommendations. (Doc. No. 12.) Thus, Plaintiff’s objections do not provide
12 a basis upon which to reject the magistrate judge’s findings and recommendations.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
14 *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff’s
15 objections, the court concludes the findings and recommendations are supported by the record
16 and by proper analysis.

17 Accordingly,

18 1. The findings and recommendations issued on February 21, 2025 (Doc. No. 12) are
19 ADOPTED in full;

20 2. Plaintiff’s complaint (Doc. No. 1) is DISMISSED without leave to amend for
21 failure to state a claim; and

22 3. The Clerk of the Court is directed to close this case.

23 IT IS SO ORDERED.

24 Dated: September 2, 2025



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26 Dena Coggins
27 United States District Judge
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